

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.1264 of 2017

23.10.2017

Between:

The Telangana State Road Transport Corporation (T.S.R.T.C.),
Karimnagar and another

..Appellants

and

V.Raju and another

..Respondents

Counsel for the appellants: Mr.A.Ravi Babu,
learned standing counsel for T.S.R.T.C.

Counsel for respondent No.1: Mr.N.Ashok Kumar

Counsel for respondent No.2: Government Pleader for Labour (T.S.)

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal is filed against order, dated 18.08.2016, in W.V.M.P.No.3111 of 2015 in W.P.M.P.No.3045 of 2015 in W.P.No.2285 of 2015.

2. We have heard the learned counsel for both the parties and perused the record.

3. Respondent No.1 raised an industrial dispute registered as I.D.No.146 of 1997 assailing termination of his services as Kalasi. By award, dated 17.12.2013, the Chairman, Industrial Tribunal-cum-Labour Court-cum-VI Additional District and Sessions Court, Godavarikhani, directed reinstatement of respondent No.1 into service in the same capacity in which he worked prior to his termination, with continuity of service and all attendant benefits, with 50% backwages. Feeling aggrieved by the said award, the appellants filed W.P.No.2285 of 2015. By order, dated 06.02.2015, in W.P.M.P.No.3045 of 2015, the learned Single Judge of this Court granted interim stay. In the vacate stay application filed by respondent No.1, the learned Single Judge, by order, dated 18.08.2016, while recording the statement of the learned counsel for respondent No.1 that his client was reinstated into service and is being paid a sum of Rs.4,000/- per month, made the interim stay absolute subject to the appellants paying minimum wages payable to Kalasi to respondent No.1 pending disposal of the writ petition. A further direction was issued to the appellants to verify the record and if the services of any junior who was appointed subsequent to the appointment of respondent No.1 were regularized, the same treatment

shall be extended to respondent No.1 also. Assailing the latter part of the said order, whereby the aforementioned direction was issued, the appellants have filed this writ appeal.

4. Admittedly, the Labour Court has not granted the relief of regularization. When the award granting the relief of reinstatement of respondent No.1 itself is the subject matter of the writ petition, the direction to regularize the services of respondent No.1 by way of interim relief pending the writ petition travels beyond the scope of the award assailed in the writ petition.

5. Hence, to the extent of order of the learned Single Judge, by which the direction to regularize the services of respondent No.1 if the services of his juniors are regularized is not sustainable and the same is, accordingly, set aside. It is, however, made clear that the order of the learned Single Judge to the extent of payment of minimum wages payable to Kalasi to respondent No.1 is confirmed.

6. The Writ Appeal is allowed to the extent indicated above.

7. As a sequel to partly allowing the writ appeal, W.A.M.P.No.2317 of 2017 filed by the appellants for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

23rd October, 2017
GHN